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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ovidiu Platica

Serial No.: 09/808,504

Art Unit: 1645

Filed: March 14, 2001

Examiner: To be assigned

For: METHOD OF SIMULTANEOUS
DETECTION OF BASE CHANGES
(SDBC) IN EXPRESSED GENES

Attorney Docket No.: 9693-004-999

**TRANSMITTAL OF SUBSTITUTE SEQUENCE LISTING AND
PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.111**

Assistant Commissioner for Patents
Washington, DC 20231

S I R :

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply") mailed November 29, 2001, Applicants submit herewith a) a copy of the Notice to Comply; b) copies of a substitute Sequence Listing in paper and computer readable forms, to correct the deficiencies noted in the Notice to Comply; and c) a mark-up of Figure 3. Additionally, please enter the following amendments to substitute the Sequence Listing and correct the Sequence identifiers in the application and consider the remarks made below.

IN THE SPECIFICATION

After the Abstract of the Disclosure, please delete the Sequence Listing and replace it with the substitute Sequence Listing, submitted herewith. Number the substitute Sequence Listing independently beginning with page 1.

IN THE DRAWINGS

Please amend figure 3 as shown in the mark-up of Figure 3 included herewith. Figure 3 has been amended to reflect the corrections made in the substitute Sequence Listing.



REMARKS

The specification has been amended to insert the substitute Sequence Listing provided herewith. The Sequence Listing corrects SEQ ID NO.: 5 which had corresponded to a sequence encompassing an oligonucleotide with two fixed flanking sequences and a variable sequence of variable length in between the two flanking sequences, *i.e.*, a stuffer sequence. In compliance with 37 C.F.R. § 1.821, which does not allow for such a sequence to be described as a single sequence, Applicant has assigned SEQ ID NO.: 5 to one fixed sequence flanking the variable sequence and created SEQ ID NO.: 13 which corresponds to the other fixed sequence flanking the variable sequence. Figure 3 which depicts the variable (stuffer) sequence has been amended to conform to the substitute Sequence Listing and, as such, the changes do not constitute new subject matter. The Applicant submits that the defects in the Sequence Listing have been corrected and that the Amendment does not constitute new matter.

I hereby state that the content of the paper and computer-readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same. I hereby state that the submission herein under 37 C.F.R. § 1.821(g) does not include new matter.

Also, in compliance with 37 C.F.R. § 1.121, a mark-up of Figure 3 showing the proposed changes in red is submitted for approval.

Applicant respectfully requests that the present amendment and remarks be entered and be made of record in the file history of the present application.

Respectfully submitted,

Date January 29, 2002

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(SHEET 3)

(SEQ ID NO. 5)

ATGTGTGGGGTTTTCTA STUFFER-AATGGGTTTTGATTGAAGCT (SEQ ID NO. 13)

Sequence obtained by SDBC: Ile Cys Ile Glu Ala (SEQ ID NO. 6)
ATG TGT G-G ATT GAA GCT (SEQ ID NO. 7)

Sequence obtained by RT PCR from MCF7 cells: Ile Cys Val Ile Glu Ala (SEQ ID NO. 8)
ATG TGT GTG ATT GAA GCT (SEQ ID NO. 9)

Sequence obtained by RT PCR from normal breast cells: Ile Cys Glu Ile Glu Ala (SEQ ID NO. 10)
ATG TGT GAG ATT GAA GCT (SEQ ID NO. 11)

Figure 3

ATTACH #8



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/808,504	03/14/2001	Ovidiu Platina	9693-004-999

CONFIRMATION NO. 3612

20583
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FORMALITIES LETTER



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Date Mailed: 11/29/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

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*A copy of this notice **MUST** be returned with the reply.*

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